

BOARD OF SELECTMEN

Minutes of the Meeting of 20 June 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Allen Reinhard, Patricia Roggeveen and Whiting Willauer. Chairman Willauer called the meeting to order at 6:00 PM following a meeting of the Nantucket Regional Transit Authority Advisory Board.

Announcements. None.

Public Comment. Police Chief William Pittman reviewed an enforcement effort in conjunction with immigration officers to remove from the island foreign national criminals who are also illegal immigrants. He reviewed the specifics of the eighteen individuals removed in the effort and emphasized to the community that this was not an effort to target illegal immigrants, but specifically to remove illegal felons.

Approval of Minutes of 13 June 2007 at 6:00 PM, 11 June 2007 at 6:00 PM and 6 June 2007 at 6:00 PM. The Board approved the minutes by unanimous consent. Mr. Chadwick moved to approve the Board of Selectmen minutes for the Executive Session of 13 June 2007. There was no second. Discussion followed on the process of approval and subsequent release of these minutes and the Board consented to discuss the matter later to allow Mr. Kopko to review the draft minutes at his request.

Approval of Payroll Warrant for Week Ending 17 June 2007. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for Week Ending 17 June 2007. The Board approved the treasury warrant and pending contracts by unanimous consent, excepting the contract for O'Brien & Sons for \$17,873 for four beach mats for the Park and Recreation Department to be held over pending further information on its procurement.

Citizen Requests.

1. Citizen Request for Waiver of Noise Bylaw for Wedding on July 14, 2007 (tabled from June 6, 2007; June 13, 2007). Chairman Willauer recused himself and left the meeting. Vice Chairman Kopko opened the discussion on the matter and entertained a motion to table the matter. Mr. Reinhard moved to do so. There was no second. Vice Chairman Kopko continued the discussion on the request to approve a waiver of the noise bylaw until 12 midnight, or if not, then to 11:00 PM. Discussion followed on the Board's setting a precedent if it were to approve the request that has no relation to the public need or the public good. Mr. Chadwick moved that consideration of the noise bylaw request be closed and that the Board take no further action with regard thereto. Ms. Roggeveen seconded. So voted unanimously. Chairman Willauer rejoined the meeting.

Public Hearings.

1. Public Hearing to Consider Applications for Harbor Plan Implementation Committee and Cemetery Commission Workgroup. Chairman Willauer opened the public hearing. Diane Holdgate, applicant for the Cemetery Commission Workgroup, was absent. Applicants for the Harbor Plan Implementation Committee (Stephen Bender, Diane Coombs, Wendy McCrae, Sarah

Oktay and Carl Sjolund) answered questions from the Board in turn. Leslie Johnson and Patricia Stolle were absent, having so advised prior to the meeting. Chairman Willauer closed the public hearing and noted that the appointments to these committees will occur on July 11, 2007.

2. Public Hearing to Consider Application of Nantucket Ice Cream for Common Victualler License for Premises at 44 Straight Wharf. Chairman Willauer opened the public hearing. Thomas Hardy, speaking for the applicant, Gus Rancatore, who was unable to be present, spoke in favor of the request. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve the application. Mr. Kopko seconded. So voted unanimously.

3. Public Hearing to Consider Application of Walk the Dog LLC, d/b/a Cambridge Street Victuals for Entertainment License for Premises at 12 Cambridge Street. Chairman Willauer opened the public hearing. Bill Aldridge, representing Trish Gallen-Collette, spoke in favor of the application. Discussion followed on the parameters indicated in the application and Mr. Kopko suggested the future possibility of establishing a broader description of days and times. Chairman Willauer closed the public hearing. Ms. Roggeveen moved to approve the application as written to allow amplified live-band entertainment from 9:00 PM to 11:00 PM on Wednesdays or Thursdays twice a month. Mr. Reinhard seconded. So voted unanimously.

4. Public Hearing to Consider Application of American Seasons Corp d/b/a American Seasons Wines for Seasonal Wine Only Package Store License for Premises at 80 Centre Street. Chairman Willauer opened the public hearing. American Seasons owner Bruce Miller spoke in favor of the application to sell wines not currently available on the island and in accordance with the requirements of the Alcoholic Beverages Control Commission. The Board shared concerns about setting precedent, the number of available seasonal licenses for the Town and free enterprise. Discussion followed on the number of licenses the Town is permitted to have under the law and on avoiding "limiting competition" through the licensing process. Ms. Roggeveen noted that if the Board engaged in interfering with the free market, parameters should be established by policy. Mr. Miller noted the short season and the designation of the separate premises for the new licensed activity and asked that the Board consider approving the request. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve the application. Ms. Roggeveen seconded. Discussion followed. Ms. Roggeveen clarified that her requests concerning a guideline on the current application under review and a Board policy on considerations for approving license applications were two separate matters. On the motion, Mr. Chadwick, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted in favor. Mr. Kopko voted in opposition. So voted to approve the application of American Seasons.

5. Public Hearing to Consider Application of Verizon New England Inc. and Nantucket Electric Company for Jointly Owned Pole Relocation at Walsh Street Near Easton Street. Chairman Willauer opened the public hearing. Ken Horne, representing Verizon, spoke in favor of the request. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve the application. Mr. Reinhard seconded. So voted unanimously.

6. Public Hearing to Consider Application of Verizon New England Inc. and Nantucket Electric Company for Jointly Owned Pole Relocation at Walsh Street Near East Lincoln Avenue. Chairman Willauer opened the public hearing. Ken Horne, representing Verizon, spoke in favor of the request. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve the application. Mr. Reinhard seconded. So voted unanimously.

7. Public Hearing to Consider Application of Verizon New England Inc. and Nantucket Electric Company for Jointly Owned Pole Relocation at Western Avenue. Chairman Willauer opened the public hearing. Chris Raynham, representing National Grid, spoke in favor of the request. Chairman Willauer closed the public hearing. Mr. Reinhard moved to approve the application. Ms. Roggeveen seconded. So voted unanimously.

8. Public Hearing to Consider Application of National Grid for the Installation of Underground Wiring in the Vicinity of 44 Surfside Road. Chairman Willauer opened the public hearing. Mr. Raynham spoke in favor of the request. Betsy Larrabee, representing The Muse, also spoke in favor of the request and explained the reason for the request. She and Mr. Raynham noted that no road cut would be required. She further indicated a need for a partial road closing for half a day to allow the work to occur at the Surfside Road location. Chairman Willauer closed the public hearing. Mr. Kopko moved to approve the application. Mr. Chadwick seconded. So voted unanimously.

Mr. Kopko suggested that the Board consider placing petitions under the purview of the Town Administrator.

9. Public Hearing on the Entertainment License of The Muse (follow-up from April 25, 2007 public hearing). Chairman Willauer opened the public hearing. Attorney James Merberg, representing the Muse, reviewed remedies to the concerns expressed at the Board's April 25, 2007 meeting, including acquiring ZBA approval for structural items, adjusting outdoor lighting, installing a split rail fence, adding landscaping and air conditioning in line with HDC approval for heat pumps on the roof. He added that neighbor complaints have been addressed, that all items have been completed via funds committed by The Muse. He added that neighbors have provided positive comments. The Board commended the Muse for its response in addressing significant issues. Police Chief Pittman noted significant improvements and advised that frequent checks are made by police officers for compliance. He added that five noise complaints from two sources were on record, none of which were received after May 20, 2007. Attorney Steven Cohen, representing the Surfside Neighborhood Association, thanked The Muse for acting appropriately and the Board for its work. He asked for another follow-up public hearing in the fall to reassess the matter. Chairman Willauer closed the public hearing. Mr. Kopko moved to approve the continuance of the entertainment license in its original form (Live or Recorded Instrumental and Vocal Music /Bands, Dancing, Radio and Cable Television, Juke Box and Amplifiers between the hours of 1PM to 1AM). Mr. Reinhard seconded. So voted unanimously.

10. Public Hearing to Consider Application of New Life Ministries International for a Public Assembly Permit for Fundraiser Event on August 4-5, 2007 at 42 Monohansett Road. Chairman

Willauer opened the public hearing. Pastor Donovan Kerr spoke in favor of the application and described the event geared toward the youth. Questions followed from the Board about logistics, the premises location and the recommendation that the organizers speak with other groups on logistics for public venues. Chairman Willauer closed the public hearing. Mr. Kopko moved to approve the application. Mr. Reinhard seconded. So voted unanimously.

11. Public Hearing to Consider Increasing Taxi Rates. Chairman Willauer opened the public hearing. David Barrett, an individual taxi owner, spoke in favor of the request of adding one dollar to all fares except the Town fare. A-1 Taxi representative Lisa Fisher provided examples of the effects of the recent increases in gas prices and suggested a gas surcharge rather than a rate increase in line with that of other service providers on the island as a more palatable change for the customer. Discussion followed on the need for services, the June 2005 date of the last increase and the increases of prices by other businesses. Taxi business owner Alvin Topham spoke in support of the request. Discussion continued on options available and the possibility of a provision to remove the surcharge if gas prices drop below \$3. Steve Pignato spoke on availability of service and the effects of increasing rates. Mr. Kopko suggested approving a \$1 surcharge for a six-month period, with a review at that time. Discussion followed on the need for flexibility of the surcharge and whether an increase has the same effect as a surcharge. Chairman Willauer closed the public hearing. Ms. Roggeveen moved to approve a taxi rate increase by one dollar exclusive of the "in-town rate" consistent with the proposal by Mr. Barrett to take effect July 1, 2007 and with the addition of a review at six months for a fuel charge subsidy. Mr. Reinhard seconded. So voted unanimously. Ms. Roggeveen seconded. So voted unanimously.

12. Public Hearing to Consider Amendments to Town of Nantucket Charter, Tour, Limousine Regulations. Chairman Willauer opened the public hearing. Brenda McDonough, Commission on Disability Facilitator, spoke in favor of the matter to provide on-demand accessible tour service for the disabled. She advised that the business would be available to the general public and that it would operate via a separate license and vehicle from an existing accessible taxi business. Ara Charder spoke on her tour service to disabled individuals and suggested a variance regarding vehicle size. Discussion followed on vehicle size, seat configuration and Town and state licenses. Chairman Willauer closed the public hearing. Mr. Kopko moved to approve the amendments as presented to include language regarding the accessible tour vehicle and operation. Mr. Roggeveen seconded. So voted unanimously.

13. Public Hearing to Consider Annual Increase to Landfill User Fees. Chairman Willauer opened the public hearing. DPW Director Jeff Willett stated that the increase is meant to offset an annual contractual increase by Waste Options. Discussion followed on customer concerns at the landfill, including hours, the scale waiting time, and possible negotiations with Waste Options on these items. Island resident Grant Sanders asked the Board to request that Mr. Willett seek a decrease in certain rates to alleviate dumping of large items on Land Bank property. Discussion followed. Chairman Willauer closed the public hearing. Mr. Kopko moved to approve the increase effective July 1, 2007. Mr. Chadwick seconded. So voted unanimously.

Town Administrator's Report. None.

Selectmen's Report/Comment.

1. Discussion Regarding Hearing at State House on June 27, 2007 on Proposed Sewer Act Approved at 2007 Annual Town Meeting. Mr. Kopko provided information on the matter involving the Town's homerule legislation and reviewed a possible agenda for the presentation. Discussion followed about who would attend.

2. Schedule Special Town Meeting Pursuant to Petition Receipt; Adopt Special Town Meeting Warrant. Chairman Willauer introduced the matter reviewing the three articles under consideration, to include Article 1 (Real Estate Acquisition: Dreamland), Article 2 (Real Estate Disposition: Roundabout at Sparks Avenue/Hooper Farm Road/Pleasant Street) and Article 3 (Real Estate Acquisition: 10-12 Washington Street). Mr. Kopko moved to open and close the warrant and to approve the inclusion of all three articles in the warrant. Ms. Roggeveen seconded. Discussion followed. So voted unanimously. Mr. Kopko moved to approve the timeline for the Special Town Meeting to occur on July 26, 2007 as recommended. Mr. Reinhard seconded. So voted unanimously.

3. York Street Speed Bump Request. Mr. Kopko spoke on speed bump protocol and suggested future action.

4. Approval of Executive Session Minutes of 13 June 2007. With regard to the subject of approving the minutes, Mr. Kopko requested the matter be discussed on June 28, 2007 in executive session.

At 9:00 PM, Mr. Chadwick moved to adjourn to executive session, not to return to open session, for the purpose of approving minutes. Ms. Roggeveen seconded. So voted with Mr. Chadwick, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voting in favor. Mr. Kopko voted in opposition.

Approved the 18th day of July 2007.